

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES L. CHEESEMAN,

Defendant.

Criminal Action No. 07-124-SLR

**MOTION AND ORDER TO EXCLUDE TIME**

**COMES NOW** the United States of America, by and through Colm F. Connolly, United States Attorney for the District of Delaware and Keith M. Rosen, Assistant United States Attorney, and hereby moves this Honorable Court to exclude under the Speedy Trial Act, 18 U.S.C. § 3161, the time from the date of its Order granting this Motion until the rescheduled telephone status conference in this matter. In support thereof, the government states as follows:

1. The defendant was arraigned in this matter on October 4, 2007. At that time, Magistrate Judge Stark entered an Order granting the defendant until November 1, 2007, to file any pre-trial motions, and excluding the time from October 4, 2007, until November 1, 2007, under the Speedy Trial Act ("the Act"). *See* D.I. 17.

2. As of the present date, the defendant has not filed any motions that would exclude time under the Act.

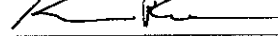
3. By Order dated November 5, 2007, the Court scheduled a telephone status conference for November 16, 2007. That Order did not exclude any further time under the Act. *See* D.I. 19.

4. On November 16, 2007, counsel for the government was advised by the Court that the teleconference would be postponed as a result of defense counsel's schedule. As of the date of this motion, a new date has not been set.

5. The government respectfully submits that the continuance of the teleconference is in the interests of justice, and accordingly asks this Court to enter an Order excluding time under the Act from the date of said Order until the date of the rescheduled teleconference. *See* 18 U.S.C. § 3161(h)(8)(A).

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

BY:   
Keith M. Rosen  
Assistant United States Attorney

Dated: November 16, 2007

**IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Honorable Sue L. Robinson  
United States District Court  
District of Delaware

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
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v.	)	Criminal Action No. 07-124-SLR
	)	
JAMES L. CHEESEMAN,	)	
	)	
Defendant.	)	


**CERTIFICATE OF SERVICE**

I, Sherry Kaminski, an employee with the United States Attorney's Office, hereby certify that  
on the 16th day of November 2007, I served the forgoing:

**Motion and Order to Exclude Time**

by causing two copies of said document to be served on counsel of record by First Class Mail as  
follows:

Joseph Hurley, Esq.  
1215 King Street  
Wilmington, DE 19801

  
\_\_\_\_\_  
Sherry Kaminski